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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,524	11/27/2000	Leonard G. Presta	GENENT.33CP2C2	6863

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EXAMINER

DAVIS, MINH TAM B

ART UNIT PAPER NUMBER

1642

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Please find below and/or attached an Office communication concerning this application or proceeding.

### DETAILED ACTION

The amendment filed on 04/22/03 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because of the following reasons:

New claims 20-26 are drawn to a method for diagnosing a pathological condition characterized by the "endogenous production of neurotrophin" capable of binding a human trkB receptor, comprising contacting a biological sample with "a detectably labeled human trkB receptor", and detecting the presence of said neurotrophic factor by monitoring the binding of said trkB receptor to said neurotrophic factor. The pathological conditions is a malignancy or a tumor expressing said neurotrophin, a pancreatic disorder, aberrant sprouting in epilepsy, psychiatric disorder. The neurotrophic factor is selected from the group consisting of BDNF, NT-3, NT-4, and NT-4/5.

The elected claims 6-10, 12 are drawn to a method for diagnosis of a pathological condition characterized by over-expression of trkB, a neurotrophin receptor, comprising testing the presence of an antibody specific for said neurotrophin receptor in a biological sample. The pathological condition is neurodegenerative diseases. Said method comprises competitive binding assays. Said sample is tissue sample.

The elected methods and the methods of new claims 20-26 are distinct from each other because they differ at least in objectives, method steps, reagents and/or dosages, and/or schedules used, response variables and criteria for success.


Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TAM DAVIS whose telephone number is 703-305-2008. The examiner can normally be reached on 9:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANTHONY CAPUTA can be reached on 703-308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0916.

MINH TAM DAVIS  
June 27, 2003

  
SUSAN UNGAR, PH.D  
PRIMARY EXAMINER